



BILL NO. S-78-0507

S-78-05-07

SPECIAL ORDINANCE NO. S- *Witham*

AN ORDINANCE TO ESTABLISH COLLECTIVE AGREEMENT PROCEDURES BETWEEN THE CITY OF FORT WAYNE AND EMPLOYEES OF THE FIRE AND POLICE DEPARTMENTS OF THE CITY OF FORT WAYNE.

THIS AGREEMENT SHALL EXPIRE AT 12:01 A.M., AUGUST 10, 1978

WHEREAS: the Common Council of the City of Fort Wayne believes that it is in the best interest of the people of the City to promote harmonious and constructive communication between the City and the people employed by the City, and,

WHEREAS: the Common Council recognizes that Firefighters and Police Officers have the right to communicate to their employers their proposals for salaries and working conditions, and,

WHEREAS: the Common Council recognizes that because Indiana law prohibits strikes by public employees, a procedure needs to be developed to permit such employees and the City as employer to share in decisions regarding salaries and working conditions, and to resolve impasses that may develop, and,

WHEREAS: the Common Council believes that collective understandings can provide the structure needed to formalize communication, attain decisions, and settle disputes without jeopardizing the safety and well-being of the citizens of the City of Fort Wayne:

BE IT NOW ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

Section 1: Definitions:

Employer shall mean the City of Fort Wayne, and those persons elected or appointed to articulate the position of management in the interests of the City.

Firefighter shall mean any person serving as a member of the Fire Department of the City of Fort Wayne.

Police Officer shall mean any person serving as a full time member of the Police Department of the City of Fort Wayne.

Representative shall mean a group of not more than five persons selected by the employer to represent the interest of the

APPROVED, AS TO FORM AND LEGALITY

*Shaw*  
Associate City Attorney

1 employer; a group of not more than five persons, of which one  
2 shall be designated as chief spokesman by police officers and  
3 a group of not more than five persons selected by firefighters  
4 of which one shall be designated as Chief spokesman to represent  
5 each of them in bargaining for the purpose of negotiating  
6 salaries and terms and conditions of employment in formal  
7 negotiating sessions across the bargaining table; police and  
8 fire shall bargain separately.

9 Strike shall mean any individual or group action, or refusal to  
10 act, which results in any interference with normal activity  
11 of the department, such as, but not limited to willful absence  
12 from one's position, slow down, sick in or stoppage of work  
13 or abstinence or intereference in whole, or in part from the  
14 full, faithful and proper performance of duties of employment  
15 without the lawful approval of the employer.

16 Section 2: Employee Representatives

17 Employees from the Police Department and Fire Department may  
18 authorize representatives to conduct negotiations in their  
19 behalf.

20 Section 3: Duty to Bargain

21 It shall be the mutual obligation of the employer and the  
22 employer's designated representatives, and the firefighters  
23 and the police officers, or their representatives, to meet at  
24 reasonable times, including meetings appropriately related to  
25 the budget making process of the City of Fort Wayne, and to  
26 confer with respect to salaries, hours, and other terms and  
27 conditions of employment, except that it shall be unlawful to  
28 bargain for increased salaries that exceed the C.O.L. average  
29 increase expressed as a percentage for the last ten years.  
30 The source of this average percentage increase shall be the  
31 Consumer Price Index of the United States Department of Labor,  
32 Bureau of Labor Statistics "All Items" in U.S. City Average  
33 Category from 1967 to 1977. Percentage used shall be that  
34 ten year average increase.

35 In determining the cost of wages and fringe benefits to  
be granted, monetary items such as increased salaries, increased  
vacation, clothing allowance, personal days, increased insurance

coverage, and any items not mentioned, but costing the employer monies not already budgeted shall be included.

Section 4: Procedure of Negotiations

A. On May 1, the employer bargaining team shall meet separately with both the police officers and firefighters, or their representatives, to exchange information regarding those items to be negotiated. Negotiations shall continue on a regular basis until agreement is reached, or until the deadline described hereafter in this section is reached.

B. The director of the Personnel Department of the City of Fort Wayne is hereby authorized to appoint employer's representatives and their spokesmen for conducting negotiations.

C. A five member Committee of the Common Council shall be selected by the Common Council to participate in the bargaining process. The members of the Common Council Committee and the Board of Safety Commissioners shall participate as follows:

1. In discussions with the employer representatives prior to negotiations to assist in determination of the employer's bargaining position.
2. In discussions with the employer's representatives during informal meetings throughout the negotiating process.

D. It is the position of the Common Council that elected officials have no role at the bargaining table although the Common Council shall exercise statutory authority pursuant to IC 18-1-11-2 to finally fix the annual pay of the employees by ordinance.

E. On June 15 of each year the employer's representatives shall report to Council in private session of the progress of negotiations. If an impasse over wages, other fiscal matters, and/or non-fiscal matters exists at that time, then impasse resolution shall proceed as in Section 5 of this ordinance.

F. The Common Council of the City may legally adopt the fiscal conditions and understandings which are agreed upon collectively by the employer's representatives and by the representatives of the firefighters and police officers, including those conditions arrived at through impasse resolution by a mediation team. The Board of Safety Commissioners may, pursuant to IC 18-1-11-1 et seq., make and promulgate rules for the government of the police and fire forces to carry out the undertakings arrived at.

1 Section 5: Impasse Resolution

2 If agreement has not been reached on salaries, other fiscal  
3 matters, and/or non-fiscal considerations by June 15:

4 A. A mediator, selected by mutual agreement of the  
5 parties shall be requested to help resolve the dis-  
6 puted issues.

7 B. By June 18, if the parties have failed to agree on a  
8 mediator, the employer shall select one person to act  
9 as the employer's member of the mediation team, and  
10 the employees representatives shall select one person  
11 to act as their member of the mediation team. The  
12 two persons shall, by June 30, appoint a third mediator  
13 to enter into the discussions.

14 C. These three persons shall act as the mediation team,  
15 and they shall meet between July 3 and July 23 and  
16 during that time shall study all the issues under  
17 dispute, and shall make a recommendation to settle the  
18 impasse(s). The recommendations of the mediation team  
19 concerning wages and other fiscal matters shall be  
20 forwarded to the Committee of the Common Council for  
21 approval, and to the representatives of the employer  
22 and the employees no later than July 23. The action of  
23 the mediation team concerning non-fiscal matters shall  
24 be forwarded to the representatives of the employer  
25 and employees no later than July 23.

26 D. The recommendations of the mediation team shall be  
27 forwarded to the Common Council for consideration.

28 E. The mediation team shall utilize these criteria, among  
29 others, in the determination of their recommendations:

- 30 1. Ability of the City to pay without jeopardy to  
31 other public programs.
- 32 2. Wages and Salaries of police and firefighters in  
33 other second class cities.
- 34 3. Wage increases granted to other city employees.
- 35 4. Inflation.
5. Ten year average as defined in Section 3.

1 F. The Common Council, as the duly elected legislative  
2 authority of the City of Fort Wayne, having the final  
3 responsibility for all appropriations and fiscal prior-  
4 ities on behalf of the citizens, shall give the report  
5 of the mediators due consideration in arriving at the  
6 annual pay of the employees.

7 G. The charges and expenses of the mediators shall be  
8 borne equally by the employer and the employee group  
9 requesting mediation.

10 Section 6: Result of Concerted Action or Strike

11 If any concerted work action or strike as defined in Section 1  
12 is engaged in by either the firefighters or police officers, it  
13 shall be unlawful for Common Council to issue any increases in  
14 wages or benefits to these parties for the year of the concerted  
15 action or strike.

16 Section 7: Separability

17 If any provision of this ordinance, or the application of such  
18 provision to any person or circumstances shall be held invalid,  
19 the remainder of this Act or the application of such provision  
20 to persons or circumstances other than those as to which it  
21 is held invalid, shall not be affected thereby.

22 Section 8: Effective Date

23 This ordinance shall be in full force and effect from and after  
24 its passage and upon its approval by the Mayor until 12:01  
25 A.M., August 10, 1978.



Read the first time in full and on motion by Hinga, seconded by

J. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 5-8-78

Charles W. Stinson  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

*To Be Held  
June 30  
1978*

Bill No. S-78-05-07

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance  
TO ESTABLISH COLLECTIVE AGREEMENT PROCEDURES BETWEEN THE CITY OF  
FORT WAYNE AND EMPLOYEES OF THE FIRE AND POLICE DEPARTMENTS OF THE CITY  
OF FORT WAYNE

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Withdraw PASS.

WILLIAM T. HINGA - CHAIRMAN

VIVIAN G. SCHMIDT - VICE CHAIRMAN

JOHN NUCKOLS

PAUL M. BURNS

FREDRICK R. HUNTER

*William T. Hinga*  
*Vivian G. Schmidt*  
*John Nuckols*  
*Paul M. Burns*  
*Fredrick R. Hunter*

6-13-78  
DATE 6-13-78 CONCURRED IN  
CHARLES W. WILVERMAN, CITY CLERK